

OFFICE OF LOGISTICS
PROCUREMENT NOTE NO. 140

9 JUN 1980

REVIEW OF PROCUREMENT ACTIONS BY THE
AGENCY CONTRACT REVIEW BOARD

1. Rescission

Procurement Note 100, as revised, is hereby cancelled.

2. Background

a. [] sets forth the basic charter of the Agency Contract Review Board (ACRB). STAT

b. The purpose of this Procurement Note is to provide guidance and direction to Agency procurement elements as to the procedures to be followed and the documentation required in presenting cases to the ACRB.

c. [] establishes the requirement for the ACRB to review: STAT

(1) Approved procurement requests that concern contractual policy or procedures;

(2) Any approved procurement request, proposed contract, or amendment in the scope of a contract that exceeds [] in valuation, plus other lesser value actions at the discretion of the contracting officer; STAT

(3) Overrun funding amendments when individual or collective overruns exceed [] and exceed 15 percent of the original cost estimates. STAT

d. The Director of Logistics has also tasked the ACRB to review proposed noncompetitive procurement actions expected to total [] or more prior to solicitation of proposals. STAT

e. Review by the Board of proposed individual contracts or classes of contracts may be waived by the Director of Logistics or his designee.

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3. Procedures

a. ACRB meetings are scheduled for the second and fourth Tuesday of each month at 1000 hours in Room 2C19 of the [] Conflicts with holidays or other priorities may require schedule deviations. In such cases, the Chairman of the Board will provide the earliest possible notice to those concerned.

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b. Dockets (Form 2863 - Request for Procurement Action - CRB Docket and Action Summary) with supporting documentation (the original properly executed) and ten copies must be provided to the Procurement Management Staff, OL (PMS/OL), Room 2G31 [] not later than noon on the Tuesday preceding the meeting at which the case is scheduled to be heard. Docket numbers may be obtained from PMS/OL by calling extension []

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c. Requests for waivers are to be sent to the Director of Logistics via the C/PMS/OL. Requests for waivers should be submitted on Form 2863. An original and one copy are required. Please note that requests for waivers must include a Docket Number to be assigned by PMS/OL. Waivers will be granted only when fully justified.

d. The team chief or branch chief for the cognizant procurement component may designate which of his/her personnel will present the case. However, the team chief or branch chief should attend the meeting.

e. The Contracting Officer's Technical Representative should accompany the contracting officer at Board meetings to assist in the presentation.

4. Procurement Action Schedule and Documentation

a. This paragraph sets forth the basic scheduling and documentation requirements for approval to solicit a proposal on a noncompetitive basis, approval to enter into a contract on a noncompetitive basis, approval to enter into a contract on a competitive basis, and approval to fund overruns. The "Brief of Facts and Issues" should present a complete and concise summary of the procurement action under review. Whenever an attachment is cited, a brief abstract of the information set forth in the attachment should be included in the narrative portion of the "Brief of Facts and Issues." The last paragraph should clearly set forth what the ACRB is being requested to approve in the form of a recommendation to the Director of Logistics.

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b. Approval to Solicit a Proposal on a Non-competitive Basis

Proposed noncompetitive procurements must be presented to the ACRB for review at the earliest possible stage of the procurement cycle. This review should occur immediately after approval by requirements offices and before requesting a formal price proposal. Approval to solicit a proposal on a noncompetitive basis does not constitute contract approval. Documentation in support of the justification for the noncompetitive action shall include a discussion of steps being taken to ensure competition on future procurement actions.

c. Approval to enter into a Contract on a Non-competitive Basis

ACRB review of requests to enter into a contract on a noncompetitive basis may be accomplished prior to or after entering into negotiations with the offeror, but in any event prior to contract execution. Depending on when the case is being presented, the following kinds of documentation should be provided:

(1) Completed Form 2420 - Request for Procurement Services or Form 88 - Requisition for Materiel and/or Services;

(2) Statement of Work or precis thereof;

(3) Copy of Price Proposal - Detailed backup sheets are not required or desired by the Board.

The Brief of Facts and Issues section should set forth a brief statement of the negotiator's prenegotiation position to include:

(1) The results of the technical officer's written recommendation with regard to the quantitative and qualitative aspects of labor hour, material costs, and other direct costs proposed by the offeror;

(2) The results of audit;

(3) Consideration of the type of contract contemplated, and fee or profit objectives; and

(4) Any significant issues affecting the price or other terms and conditions of the resultant contract.

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If the ACRB case is presented after completion of negotiations, in addition to the foregoing, the Brief of Facts and Issues section should include a summary of the results of negotiation to include the principal elements of the price negotiation. (See DAR 3-811.)

d. Approval to Enter into a Contract on a Competitive Basis

ACRB review of requests to enter into a contract based upon a competitive solicitation shall be accomplished after receipt of revised proposals or best and final offers and the apparent successful offeror has been selected by the Contracting Officer. However, if only one offer is determined to be in the competitive range, then the case shall be presented to the ACRB before discussions are held with the selected offeror. In addition to the documentation and kinds of information mentioned under subparagraph 4c above (it is recognized that Form 2420 or Form 88 may not be available), the following additional documentation and/or information shall be provided:

(1) A copy of the evaluation procedures and evaluation factors and criteria set forth in the solicitation;

(2) Type of contract contemplated in the solicitation;

(3) Any special or unusual solicitation terms and conditions;

(4) Copy of evaluation documentation including summary score sheets and narrative comments.

e. Approval to Fund Overruns

Requests for the ACRB to recommend the Director of Logistics' approval to fund overruns shall be presented before the contract is funded in excess of the limitation mentioned previously and 15 percent of the original cost estimate). An example setting forth when ACRB review is required is below: .STAT

	<u>Estimated Cost</u>	<u>Overrun</u>	<u>ACRB Review</u>
Original	<input type="text"/>		
Change Proposal			
Subtotal			
First Funded Overrun			Yes
Second Funded Overrun			No
Third Funded Overrun			Yes

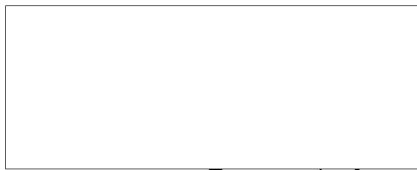

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The request for ACRB review of overruns should include a brief summary of the contract terms and conditions, an analysis of the overrun proposal, a statement as to whether or not the contractor has submitted progress reports as required by the contract, and a statement as to whether or not the contractor provided timely notice of the projected overrun.

5. The Procurement Management Staff, OL, prepares questions based on the dockets as submitted. The questions are intended to highlight issues for ACRB consideration and to serve as a mechanism for an orderly presentation of the case. Where possible, answers to the questions should be provided in writing, but this is not a firm requirement.

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James H. McDonald
Director of Logistics

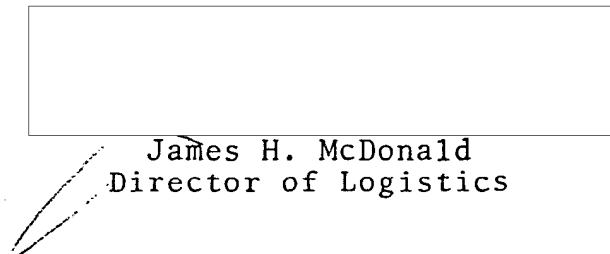
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REVISION NO. 1

28 JUL 1980

REVIEW OF PROCUREMENT ACTIONS BY
THE AGENCY CONTRACT REVIEW BOARD

Effective with this revision, Agency Contract Review Board meetings will be held at 1:30 p.m. instead of 10:00 a.m. No other provisions of Procurement Note 140 are changed by this revision.

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James H. McDonald
Director of Logistics

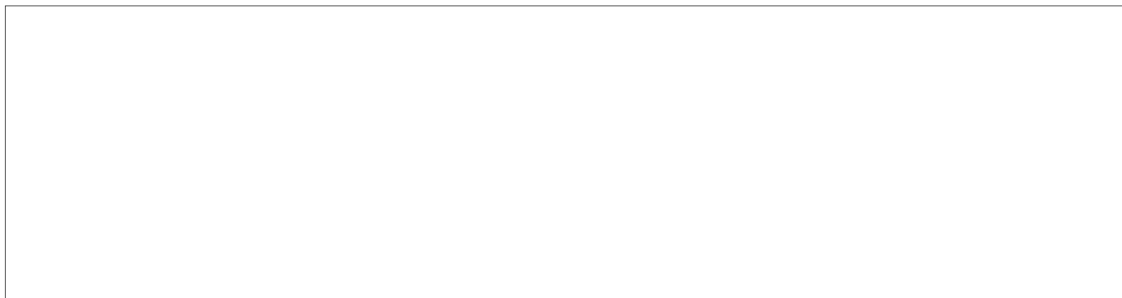
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 REVISION NO. 2

18 MAR 1981

REVIEW OF PROCUREMENT ACTIONS BY THE
 AGENCY CONTRACT REVIEW BOARD

The purpose of this revision to Procurement Note 140 is to change the dollar threshold for procurement actions to be reviewed by the Agency Contract Review Board. The changes are as follows:



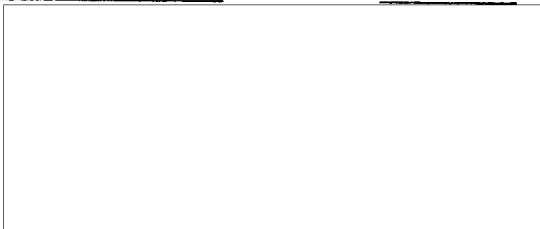
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d. Paragraph e. Approval to Fund Overruns is deleted in its entirety, and the following substituted in lieu thereof:

"e. Approval to Fund Overruns

Requests for the ACRB to recommend the Director of Logistics' approval to fund overruns shall be presented before the contract is funded in excess of the limitation mentioned previously (and 25 percent of the original cost estimate). An example setting forth when ACRB review is required is below:

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	<u>Estimated Cost</u>	<u>Overrun</u>	<u>ACRB Review</u>
Original			
Change Proposal			
Subtotal			
First Funded Overrun			Yes
Second Funded Overrun			No
Third Funded Overrun			Yes

STAT

The request for ACRB review of overruns should include a brief summary of the contract terms and conditions, an analysis of the overrun proposal, a statement as to whether or not the contractor has submitted progress reports as required by the contract, and a statement as to whether or not the contractor provided timely notice of the projected overrun."

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James H. McDonald
 Director of Logistics

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